

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

IN THE MATTER OF:

Complainant,

AMERICAN NATIONAL SKYLINE INC.,

Repondent.

ALS No.: 09-0632

Judge William J. Borah

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copy of the order to Complainant on March 19, 2010, and filed an affidavit of service with the Commission on March 19, 2010.

4. On May 5, 2010, a status hearing was set in this case. Respondent appeared, but Complainant was absent. Respondent mailed a copy of the May 5, 2010, order on May 6, 2010, and filed an affidavit of service on the same date. As part of the order, a briefing schedule was set. Complainant had until May 28, 2010, to respond to Respondent's motion to dismiss her complaint for want of prosecution.

5. Complainant failed to respond to Respondent's motion to dismiss.

CONCLUSIONS OF LAW

1. Complainant's failure to participate in three scheduled status hearings and her failure to respond to Respondent's motion to dismiss have unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of her claim, the complaint in this matter should be dismissed with prejudice.

DISCUSSION

Complainant failed to appear at three ordered status hearing dates, February 3, 2010, March 17, 2010 and May 5, 2010. Complainant also failed to respond to Respondent's motion to dismiss as ordered on May 5, 2010. Proper service was given upon Complainant.

The Commission routinely dismisses abandoned cases. In Leonard and Solid Matter, Inc., IHRC, ALS No. 4942, August 25, 1992, Complainant was absent for three consecutive hearings.

Complainant has failed to comply with every order. Complainant's inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned her claim. As a result, it is appropriate to dismiss her claim with prejudice.

RECOMMENDATION

Based upon the foregoing, it is recommended that an order be entered with the following provisions:

1. The Respondent's motion to dismiss complaint be granted;
2. The Complaint before the Commission and the underlying charge of discrimination be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
WILLIAM J. BORAH
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: May 28, 2010